# NATIONAL CAPITAL TOPICS.

A FIELD DAY OVER THE CONSTITUTION. THE SENATE'S RIGHT TO ORIGINATE APPROPRIA-TION BILLS.

IBY TELEGRAPH TO THE TRIBUNE! Washington, Jan. 23.—There was a heavy "run" on the House Library to-day. Copies of the conetitution were at a premium. There was an eruption of salf-bound volumes on the desks of dozens of representatives. There was a knitting of many brows and brisk thumbing of musty pages. The "Constitutional lawyers of the House were enjoying their first innings t this session and, for two hours a hot and flerce discussion raged, the subject of which was a resolution offered by Mr. Hurd of Ohio, instructing the Judiciary Committee to investigate and report whether in its opinion, the Sevate in originating passing and sending to the House for its concurrence bills appropriating money has not attempted to invade the prerogative of the latter body, which, under the constitution, possesses the sole and exclusive power to originate bills for raising revenue. This matter has been the subject of frequent controversies between the two

the subject of frequent controversies between the two houses. Only four years ago it was investigated by the House Judiciary Committee which by a two-third vote, adopted a report sustaining the claim of the Senate that it may originate appropriation bills.

The preamble to Mr. Hurd's resolution specified the Educational bill as one of the grounds of the proposed inquiry, and the friends of that measure were quickly alarmed. They between that the resolution was inspired by hostility to the bill and designed to injure its prespects and they fought stubbornly fights; it, although Speaker Carlisle had distinctly said that its passage would not prevent the consideration of the Educational bill or any other Senate bill which appropriates money. Mr. Hurd spoke for an hour in support of his resolution and his arguments were ingenious, forcible and eloquent, if not convincing. The only assistance that he received was from Mr. Hiscock, who said that he thought the question on that deserved consideration by the Judiciary Committee and the House, and who read some passages from speeches delivered in the United States Senate in 1856 by William H. Seward and Charles Sumner, who supported that interpretation of the Constitution which bills.

Mr. Willis, of Kentucky, who has charge of the Education and

bills.

Mr. Willis, of Kentucky, who has charge of the Educational bill, led the opposition to the resolution and farmed out his hour to Messrs. Reed, Hammond, Long, Herbert, and several others, who vigorously and successfully assailed the positions which Mr. Hurd, perhaps, had deemed impregnable. Messrs. Willis and John S. Wise exerted all their eloquence to arouse the friends of the Educational bill and raily them to its defence against what they regarded as an insidious attempt to defeat it. defeat it.

After debate had closed, Mr. Willis moved to table the

After debate had closed, Mr. Willis moved to take the resolution, which was done by a narrow majority—the vote standing 127 to 123, after General Warner, of Onio, had chauged from may to aye, in order to move a reconsideration. That motion was tabled, and the friends of the Educational bill hailed the result as a victory.

### THE IMPROVEMENT OF GALVESTON HARBOR IBY TELEGRAPH TO THE TRIBUNE.

WASHINGTON, Jan. 23 .- The House Committee on Rivers and Harbors spent the entire day discussing the Galveston Harbor project, but did not decide as to whether it shall be a feature of River and Harbor bill. The propositions submitted ain Eads have been amended in several particu lars by the committee and one of its members to-night said, that the provisions may assume such a form Cap tain Eads will not agree to enter into the prosposed con-It is estimated that the improvement of Galves ton harbor, according to the scheme which the committee is urged to adopt will cost nearly \$5,000,000 That sum exceeds by about \$5,000,000 the total expendftures on the harbor of New-York from the first appro priation thirty-three years ago down to the present time; it is more than four times as great as the total sum expended on Boston Harbor, six times as great as the total amount expended for the improve ment of Chicago Harbor, nearly eight times

ment of Chicago Harbor, nearly eight times as great as the sum total appropriated for Baltimore harbor, and it exceeds by more than \$3,000,000 the amount paid to Captain Eads for jetty improvements at the mouth of the Mississippi.

Some members of the River and Harbor Committee are confident that the plan will be adopted, while others express a contrary opinion. If favorably reported by the committee, the provision will encounter a stubborn opposition in the House. The report of the withdrawal of the Morgan Line of steamers from the New-York and Gaiveston trade is regarded by many members of the House as an evidence that the commercial importance of Gaiveston is not great enough to justify so large an expenditure as the execution of the proposed plan would involve.

### UNFRIENDLY TO THE UNION SOLDIER. INT TELEGRAPH TO THE TRIBUNE.

Washington, Jan. 23 .- The Democrats in the House, who have been posting for years as the friends and champions of the Mexican veterans and the bill to give them pensions, have changed front and a majority of them now exhibit the bitterest hostility to that measure. The reason for this is not obscure. The Senate amendments to the bill recognize the fact that, if consideration on account of service alone is to be given to the men who served in 'the war against Mexico, the men who served in the Union armies during the Rebellion ought to be entitled to like consideration. The enemies of the Union soldier in the House to-day

of the Union soldier in the House to-day nided by a few other Representatives, railied in sufficient force to defeat by a resort to fillioasterine the consideration of a proposition submitted by Mr. Reed so to amoud the rules as to carry the House into Committee of the Whole for the consideration of the Senate amendments as soon as the remainder of the bill shall have been disposed of.

Unless this or some like plan be adopted there is little prospect that the bill will pass this Congress. As the rules now stand the bill, with certain of the amendments will go to the foot of the calendar. In order to reach it the Committee of the Whole must lay asside one by one every bill that precedes it. This would be a tedious process even if no opposition should be shown, and with a strong minority to throw obstructions in the way at every point it probably would be impracticable. Mr. Townshend, of Illinois, however, declares that he will try it.

# MR. DRAPER'S APPOINTMENT.

WASHINGTON, Jan. 23.—The President today nominated A. S. Draper to be one of the Judges of the Court of Commissioners of Alabama Claims. This appointment was foreshadowed in The Tribune

more than six weeks ago. Mr. Draper, who is the chairman of the Executive Committee of the Republican State Committee of New-York, was promised the place at the time when the President's friends still hoped that their candidate would secure the nomination for the Senator-

candidate would secure the ship.

Some surprise is expressed that Mr. Draper should be Some surprise is expressed that Mr. Draper should be Some surprise is expressed that Mr. Braper shound contented with so unsatisfactory a place—unsatisfactory in view of the fact that the Court expires by limitation on December 31, 1885. The bill to extend its lifetime for another year was passed at the last session of Congress with great difficulty. Southern Democrats never cared to conceal their open hostility to the measure, and it is more than likely that, when in power, they will use every means at their command to defeat a further extension of time. Most of the claims are held in New-England.

# . THE GARFIELD MEMORIAL HOSPITAL.

WASHINGTON, Jan. 23.—The financial condition of the Garfield Memorial Hospital is not so depresing as has been represented. It is true the hos-pital is in need of funds; but it has no debts. The institution was opened on May 30 and admission of patients began early in June. Since that time 115 patients began early in June. Since that time 115 patients have been cared for, of whom severily-nine were occupants of free beds. Surgeon General Murray gives his unqualified approval of the management. The funds now in the treasury will support the hospital till June. The women of the "Ladies aid" to the Garfield Memortal Hospital are not discouraged, and feel that when the true condition of the hospital is known their appeal for contributions will meet with a generous response.

IS HE CONGRESSMAN OR SECRETARY? WASHINGTON, Jan. 23 .- The Evening Star says that a novel question has arisen in regard to the Congressional pay account of Representative John S. Robinson, of the IXth Ohio District, who was elected Secretary of State in Ohio last October and on January 12 took the oath and assumed the duties of the office. On January 10 Mr. Robinson obtained a leave of absence which expired on the 16th. He has of absence which expired on the following he re-not appeared in the House since, and although he re-signed from the Committee on Rivers and Harbors his name still appears on the roll of the House. The Speaker is said to be in doubt as to his authority to sign the usual pay certificate of Mr. Robinson, although Con-troller Lawrence has delivered an opinion that he is en-

### NOMINATIONS BY THE PRESIDENT. WASHINGTON, Jan. 23 .- The President sent

the following nominations to the Senate to-day: Heary S. Hiudekoper to be Postmaster at Philadelphia: E. Chaille, of Louisiana, to be a member of the National Board of Health; Lucius H. Foote, of California, to be Minister-Resident and Consul-General of the United States at Corea; Nelson A. Dunning, of Michigan, to be Consul of the United States at Auckland; Captain to be Consul of the United States at Auckland; Captain Almon F. Rockwell, Assistant-Quartermaster, to be Major and Quartermaster; Audrew S. Draper, of New-York, to be a Judge of the Court of Commissioners of Alabama Claims; John F. Hartranft to be Collector of Castoms for the District of Philadelphia; William A. Baldwin to be Collector of Cüstoms for the District of Newark, N. J.; and William S. Steele, of Pennsylvania, to be Colner of the Mint of Philadelphia.

ARMY AND NAVY INTELLIGENCE.

Washington, Jan. 23.-Leave of absence for six months, to take effect about February 10, has been granted Second Lieutenant John Y. F. Blake, 6th Cavalry; leave of absence for six months, to take effect about February I, with permission to leave the United States, has been granted Second Lieutenant Andrew S. owan, 15th Infantry. Captain Charles M. Callahan, 6th Cavatry, having been found by an Army Retiring Board incapacitated for active service, has been ordered to proceed to his home and report by letter to the

Adjutant-General of the Army; the retirement from active service by operation of law, of Major Theodore J. Eckerson, quartermaster, is announced; Major John E. Tourtellotte, 7th Cavalry, has been ordered to report by etter to Major-General Winfield S. Hancock, president of the Army Retiring Board convened at Governor's Island, New-York Harbor, and will hold himself in readiness to appear before the board for examination when summoned; the leave of absence granted Second Lieu-tenant Edwin H. Webber, 20th Infantsy, has been ex-

summoned; the leave of assence tream tenant Edwin H. Webber, 20th Infantry, has been extended two months.

Secretary Chandler has received a communication from an american living at Nice, saying that the officers of the United States Steamship Laneaster are holding high carnival at that place and have roundly abused the Secretary of the Navy for having ordered the vessel to the Congo, which action, they publicly assert, was taken to spite the ladies of their families who, the writer says, are holding daily receptions on the vessel, in open defiance of the rules of the service. The Secretary has written to Rear Admiral English, commanding the Lancaster, for information on the subject.

The Navy Department is informed of the arrival of the Tennessee at Key West last evening.

Ensign E. E. Capehart has been ordered to the Galena; Carpenter P. T. Ward to the New-York Navy Yard; Pay Inspector F. C. Cosby has been detached from special duty and ordered as Navy Paymaster at Baltimore on February 15; Pay Inspector A. J. Fritchard from duty at Baltimore and ordered to settle accounts and hold himself in readiness for sea service.

# SILK FLAGS FOR THE SENATE AND HOUSE.

[BY TELEGRAPH TO THE TRIBUNE.] Washington, Jan. 23.-An American National flag made, as it afterward proved to be, of slik raised in American homes, by American women and children, reeled, spun, dyed, woven and mounted in Philadelphia, stood this morning by the presiding officer's dosk'in the Senate. It was a present to the Senate by the Women's Silk Culture Association of the United States. Shortly before noon a committee of the association con-sisting of Mrs. John Lucas, Mrs. C. D. Thum, Miss Phoebe Horne, Mrs. W. F. Reynolds, Mrs. George W Hall, Miss E. T. Van Rensselaer, Mrs. E. V. Osborne, Mrs. Everett, Miss Horne accompanied, by John Lucas and George W. Hall, members of the Advisory Board of the Association, presented itself to Mr. Edmunds, in the Vice-President's room, and Mrs. Lucas formally presented the flag to the Senate. Mr. Edmunds responded. Representatives Kelley, O'Neil and Randall, of Pennsylvanta, were present. Senator Mitchell was out of town. Senator Cameron, although specially invited, was not present. Mr. Beck, the most pronounced free trader in the body, offered a resolution of thanks for the flag. Mr. Morgan, of Alabama, "welcomed the flag with all it meant to the hall of the Senate." Mr. Dawes also spoke and Mr. Beck's resolution was agreed to.

In the Speaker's room, this morning, the ladies appeared, bearing a duplicate of the flag placed in the custody of the acting Vice-President. Mrs. Lucas presented the flag to Speaker Carlisle, who informally accepted it in behalf of the House of Representatives. It was norme into the flall and given the place of honer at the right of the Speaker's chair. Judge Kelley offered resolutions thanking the denors for the gitt. The resolutions would have been adopted unanimously had not a single voice on the Democratic side shouted "No." The name of the Democrat who thus distinguished himself was not obtained. vanta, were present. Senator Mitchell was out of town.

THE OKLAHOMA LAND QUESTION. WASHINGTON, Jan. 23 .- Mr. Vest's resolution to authorize the Secretary of the Interior to ascertain apon what terms the Creek and Seminole Indiana would arrender their remaining interests in the Oklahoma lands was amended by its author to-day so as to include the Cherokee Nation in the inquiry. A sharp discussion rose over the pill.

Mr. Sherman thought so important a matter should go to the Committee on Indian Affairs.

Mr. Plumb offered a substitute for Mr. Vest's resolu tion, requesting the President to enter, as speedily as possible, into negotiation with such tribes as may be in session of more lands than enough to give each head

ands for actual settlers only.

Mr. Conger opposed all resolutions on the subject. It was, he thought, a bold-faced scheme for robbing the Indians of the lands that the American people had set apart or them. He denounced the whole system of depriving he Indians of their lands whether to accommodate the klahoma "boomers" or the pleuro-pneumonia cattle

of Texas.

Messrs, Ingalls and Plumb took part in the discussion.

Mr. Vest replying to Mr. Conger said that the delegate of the Creek Nation now in Washington had this morning written to Mr. Vest, thanking him for what he nad said in the Senate resterday on the subject, and the representatives of the Creeks and Seminoles had filed in the Interior Department papers requesting the action suggested by him. After further debate the two resolutions were referred to the Committee on Indian Affairs.

## WASHINGTON NOTES.

Washington, Friday, Jan. 23, 1885. THE SWAIM TRIAL.-In the Swaim trial to-day Major THE SWAIN TRIAL.—In the Swaim trial to-day Major Gardner, the Judge Advocate, concluded his summing up of the case for the prosecution, and the Court adjourned until to-morrow, when they will consider the case with closed doors. The findings of the Court will be transmitted through the War Department to the President, by whose direction the Court was convened. It is understood that ne will submit them to the Attorney-General for review; until they are received and approved by the President they will not be made public.

NO CONFERENCE WITH CLEVELAND. - Beverly Tucker f Virginia, referring to the various publications about malleged conference at Albany between himself and invernor Cleveland, furnishes an absolute demai of the dieged visit, and says he has not been out of this city for

INSPECTOR OF PUBLIC BUILDINGS -The Secretary of the Treasury has appointed A. G. Thomson to be In-spector of Public Buildings at an annual compensation of \$5,000, vice P. N. Dwyer, relieved.

TIME SIGNALS.—The Naval Observatory has provided a system of time signals with New-Orleans, so that the time-ball drops and a orpeco explodes at that port regions by the controller. rly at noon of each day. NEWSPAPER POSTAGE, -William Penn Nixon, of The

NEWSPAPER POSTAGE.—William—Penn Nixon, of The Chicago Inter-Ocean, M. Mumford, of The Kansas City Times, and D. R. Locke, of The Totedo Blade, were before the House Committee on Post Offices and Post Reads to day in behalf of a reduction of newspaper postage. The committeee appointed Representatives Money and Bingham to recommend to the Committee on Appropriations that legislation be embodied in the Post Office Appropriation bill providing for the reduction of postage on newspapers from two cents to one cent per pound.

THE CONGO COUNTRY.—Senator Morgan to-day Introduced as an agreement to the Consular and Disjonants.

need as an amendment to the Consular and Diplomatic Appropriation bill a proposition to appropriate \$5,000 or the expenses of an examination into the resources of

he Congo country.

ILLNESS OF MRS. SKINNER.—Representative Skinner, of New-York, was called home to-night by the serious ill uses of his wife.

A LECTURE BY MR. SALA.—George Augustus Sala de ivered a lecture here this evening. He then started for

### TO THE BISHOPS OF NORTH GERMANY. A LETTER FROM THE PLENARY COUNCIL OF BALTI-

MORE. BALTIMORE, Jan. 23. - The letter to the

Catholic Archbishops and Bishops in North Germany saued by the Plenary Council recently in session in Baltimore has just been made public. The letter, which is signed by Archbishop Gibbons, has been kept secret antil this time, so that all danger of the original being stopped by the German Government in transmission night be avoided. Its publication has already been prohibited in Germany. The letter is signed by Archbishop Gibbons, Apostolic Delegate; it expresses the deepes sympathy with the German bishops in their contest with the Imperial Government. "You have loved justice and hated iniquity," write the American bishops, "therefore one of your number suffered a giorious death in exile, in which, alas! two others still remain separated from you. Your splendid words and examples have from the beginning of the painful struggle produced the most salutary fruits; for to them is chiefly due that admirable fidelity of your flocks and that invincible steadfastness of your priests, as well as that grand and truly admirable firmness o the laymen who publicly defend religious and civil liberty and by their fearlessness and prudence, their moderation and perseverance, draw upon themselves the admiration of the whole world. Had ever one of you allowed himself to be ensuared by the wiles and seductions of your enemies, or terrified by their threats and deeds of violence, what a joy it would have been to your opponents, what a sorrow to the children of the faith

communion of sufferings have fortified the souls of the communion of sufferings have fortified the souls of the believers in their faith, raised their hopes and united them in charity. You have defeated the aim of the enemy, and shown to the world as clear as day that you are genuine aposites of truth and justice, and that the church of Christ is the most solid basis of worldly power and the safest breastwork of civil society.

"Permit us, honored brethren, the glory and the model of the episcopacy, worthy successors of Clemans, August and Martinus, whom the fathers of the fourth provincial council of Baitimore, in the year 1840, saluted as the new Athanasiuses and Basils, permit us to weep with you in your sorrows and rejoice with you in your joys. At no time in this decennium have you been without joy. You rejoice with the joy of the apostles because you were found worthy to suffer reproach for the name of Jesus. But now it seems at last that 'your sorrows shall be turned into joy.' Many of your churches, robbed of their shepherds, have changed the mourning robes of their widowhood for the bright wedding garment. Two of your number, from the obscurity of banishment, which they sanctified by every virtue, have returned again to the clear light of day and of love. Those of you whom the precious death of the Saints have has not yet admitted to the vision of the Lord, and who are not kept away by a glorious exile, have gathered about the grave of the immortal aposite of Germany, who himself, it is true, was martyred with the Gospei in his hand, but who can never be conquered in his followers. Your invincible firmness has shown clearly once more that 'the Church oppressed is the Church victorious'; that 'it would be easier to extinguish the sun than to dostroy the Church 'tetorious'; that 'it would be easier to extinguish the sun than to dostroy the Church victorious'; that 'it would be easier to extinguish the sun than to dostroy the Church victorious'; that 'it would be easier to extinguish the sun than to dostroy the Church 'yetorious'; that 'it would be easier to e communion of sufferings have defined their hopes and united seliceers in their faith, raised their hopes and united seliceers in their faith, raised their hopes and united selected the aim of the

How immentable the confusion of opinions and of rela-tions! How irreparable the loss of faith and the injury

to morals! But on the contrary, each and all bunshaken unity of faith, unanimity of opinions and

# LEGISLATION AT ALBANY.

EFFORTS TO DEFEAT THE ELEVATED. A BILL TO BE PRESENTED FOR TAXING THE OFFI-CES AT IRVINGTON.

FROM THE REGULAR CORRESPONDENT OF THE TRIBUNE. ALBANY, Jan. 23 .- Mayor Grace and Corporation Counsel Lacombe, of New-York, have been con-sidering the methods by which the elevated railroads of New-York could be compelled to pay their taxes in that city instead of at Irvington, to which place they recently emoved their chief offices. The State Taxation Law says that a corporation shall be taxed in the place in which its chief office is situated. Mr. Lacombe and Mayor Grace are of the opinion that the elevated railroad companies are plainly attempting to evade taxation in New-York and that their chief offices are only nominally in Irvington. Mr. Lacombe yester-day sent here a bill to be submitted to the Legislature, which if passed will bring the elevated railroad com panies under the rule of the Department of Taxes and panies under the rule of the Department of Taxes and Assessment of New-York. The meaning of the net, which was presented to the Assembly this morning by Mr. Hagan, of New-York, is plain:
Section 1. The personal estate of every corporation taxable within the State of New-York other than those specified in Section 2 of this act shall be taxable in the county wherein the greater portion of its business is done; and the State Board of Assessors shall determine in case of dispute in which county the greater portion of business is done.

serion 2. The provisions of this act shall not apply conton a. the provisions of this act shall not a to any corporation that is required by its articles o corporation or otherwise to designate the location o principal office or place for transacting its financial cerns.

### WORK DONE IN THE SENATE. NEW APPROPRIATIONS FOR THE CAPITOL-CANALS AND FORESTS.

FROM A REGULAR CORRESPONDENT OF THE TRIBUNE. ALBANY, Jan. 23.-Senator Thacher, of Albany, who has already introduced a bill appropriating \$1,500,000 for prosecuting work on the new Capitol, this morning introduced another bill making a temporary appropriation of \$250,000 for the same purpose and providing that in the expenditure of this money no stone cutting shall be done by contract except by men em ployed for that purpose by the Capitol Commissioners. fr. Lansing objected to the clause restricting the manner of stonecutting and said he did not think the Republican majority of the Legislature was called upon to regulate the way stonecutting should be done. Thacher in reply said he would eliminate this clause from the bill, and at his urgent request and in view of the fact that many laborers are now out of work in Albany, waiting for the appropriation, the bill was ordered to a third reading and

Mr. Plankitt introduced a bill to allow an ecoporations for the construction, maintenance and operation of canals within the State of New-York, and allowing the purchase from the State of any abandoned chanks and maintaining and operating the same. Not less than five nor more than thirteen persons shall constitute a corporation and its capital stock shall not exceed \$10,000,000,000 at it may issue bonds to the extent of \$20,000,000. It shall not the right to construct tunieds docks, warehouses, telegraph lines, etc., and may had so the state of \$20,000,000. use its canals for aqueducts for the conveyance of water for domestic purposes to cities and villages. Mr. Finnfit says that the bill is intended more especially for the construction of a canal through the Harlem River. Mr. Gilbert introduced a bill for the regulation of the public health of the State, consolidating, harmonizing and perfecting the various laws on the subject, and providing for registration of births, marriages and deaths. The bill emanates from the State Board of Health. Mr. Lowe introduced a bill to create a State Board of Forestry to consist of three members to be appointed by the Governor, with the consent of the Senate, to hold office three years and to reto create a State Board of Forestry to consist of three members to be appointed by the Governor, with the consent of the Senate, to hold office three years and to receive no compensation except for their exponses while in actual service. The Board is to have power to prevent all violations of law in the matter of forests belonging to the State, to appoint woodsmen and fire wardens to guard the forests; to encourage and promote as for as practicable the growth of forest-trees on private lands, to collect books and treaties on the subject of forestry to be preserved in the Capitol and in every way possible to facilitate and protect the planning of trees and the growth of woodlands public and private. The full requires the railroad companies of the State to take measures to prevent the destruction by fire of forests and

### THE CHARGE AGAINST MR. O'DONNELL FROM A REGULAR CORRESPONDENT OF THE TRIBUNE ALBANY, Jan. 23. Railroad Commissioner

O'Donnell is out of town to-day, so that his explanation or reply to the charge of his colleague, Commissioner Rogers, that he gave to the press for publication a resolution touching the horse railroad companies that vas not adopted by the Board, cannot be obtained. The resolution, as sent by the As-ociated Press and pul shed in the New-York papers, was as follows:

Resolved. That the accountant of this Board proceed to investigate the books and accounts of each of the above roads, to ascertain to each case their cost of construction and equipment and their financial condition, and to propore bills, if necessary, to reduce the rate of fare to make higher so as to allow but 10 per cent dividend upon second carbon.

The only difference between this and the resolution setually adopted by the Board is that the latter ometted he last two lines beginning with the words "and to pre-sure bills, if necessary." It is the general opinion mong members of the Legislature who have noticed the harge of Commissioner Rogers that in engracterizing In C'Donnell's action as outrageous ne is not war-

# EXPENSES OF COMMITTEES.

ALBANY, Jan. 23 .- The extravagance of comittees of the Legislature has been the subject of severe ublic criticism for several years; but the members of he Legislature do not seem to care what is said about hem. Controller Chapin in his annual report says that he investigating committees of the Legislature of 1884 expended \$64,000, and that this did not include all hat was charged to them, as he declined to pay bills which it was said they had incurred, amoun \$11,667.75. Only \$41,097 of the bills has been paid, the appropriation being exhausted; and \$12,004 remains et to be paid. Mr. Chapiu says in his report :

yet to be paid. Mr. Chaplu says in his report:

This department finds great difficulty. In inducing legislators and stenographers to live in New-York at a rate which state officers and heads of departments deem sufficient and sceept without a nurmer. This department centures to suggest that in retaining counsel, care should be exercised not to select one who has no other source of income except such income.

Assemblyman Roesch, of New-York, introduced a resource of income except such income.

ution in the Assembly this morning asking the Conroller to give the particulars of the above bills against the State. It is expected that the bills in detail will fur the State. It is appeared in the late of t

These bills, as already stated, have been paid.

### BILLS IN THE ASSEMBLY. FROM THE REGULAR CORRESPONDENT OF THE TRIBUNE.

ALBANY, Jan. 23 .- Assemblyman Van Allen introduced a bill this morning which authorizes "The Down-Town Association of New-York," a society composed of dealers in leather, to build a new club house.
The building is to cost \$300,000.
Mr. Husted introduced a bill to-day providing for
"freedom of worship" in the penal and charitable institutions in the State. It is similar to an act recently
introduced in the Senate by Mr. Murphy.

# THE TOMS RIVER MURDER TRIAL.

TOMS RIVER, N. J., Jan. 23.-In the Wainwright case this morning, the State called ex-Sheriff Gravatt, who took part in the tracking of the wagon which was supposed to have conveyed the body from the scene of the murder to Cedar Creek, where it was discovered. He saw Rockwell at the jail. Rockwell complained of his feet hurting him, and a small brier was extracted his leet hurting him, and a small brier was extracted from one of them. The witness became confused on cross-examination. He testified that a space as large as the court room had been scraped up to turnish pine needles. He said that the pine needles were an inch thick, and was then asked how they could than have been put in a one-horse coal-box wagon. One of the jury, who seems to take a great deal of interest in the case, straightened the testimony of the witness out. The witness attempted to make a map, but had to give it up. He could not understand the map made by the surveyor.

Ex-sheriff Robbins said that he saw Rockwell with the coal-box wagen on the day after the murder, which is supposed to be the wagen in which he body was carried to Cedar Creek. He or, anized the search which resulted in the discovery of the kody. The witness found two guns in Wainwright's house, and one of them, belonging to Charlie, was unloaded, Charlie said that it had been fired for three weeks. The witness, who is an old sportsuran, swore that it had been discharged within a week of his finding it at Wainwright's, three or four days after the murder. On Thursday George Wainwright told the witness that on the morning of the murder he heard two guns fired, and that between the first and second shots he heard moaning which "sounded like the old man," and "he thought it was the old man," but did not go to see. George also admitted that on the day of the murder and several hours after it occurred, he came down the road on which his father was killed. The witness had a conversation with Rockwell on the subject of the murder on Friday night, in which he told Rockwell that if he made an examination of his property that he would find enough to satisfy any one that he (Rockwell find that body away. Rockwell said that the witness was mistaken. The witness told Rockwell that the impression of the trail through the woods was Isain and that without any doubt it was made by Rockwell's wheels. The witness then advised Rockwell to demand a thorough investigation, so that if he was innocent these things could be cleared up. Rockwell talked as though he did not like to do that. Ex-Sheriff Robbins said that he saw Rockwell with

# laws which were the cause of your conflict and the foun- NEWS FROM STATE CENTRES.

BUFFALO. CLOGGED BY ICE-WHO PAYS !-WHEEL MEN-BUILDING CONTRACTS.

[BY TELEGRAPH TO THE TRIBUNE.] BUFFALO, Jan. 23 .- The water supply of the city is endangered. Floating ice in the Niagara River has clogged up two of the tunnels, while the entrance to the third tunnel has been kept open by blasting. How ever, at present, there can still be sufficient pumped to supply all demands, and the temperature was ligher to-day than for several days past, making the work of clearing away the obstructions much easier. The Water Commissioners are consequently more hopeful

that the emergency will be safely tided over.

The Prohibitionists have secured \$5,000 of the \$10,000 eeded to start their third-party organ, The Sixteenth Mendment, and will proceed to bring it out. Several wealthy Democrats are the chief financial backers of the

Some time ago the political enemies of Po lice Commissioner Michael Newell instituted, through the Attorney-General, quo warranto processings, requiring him to show cause why he, an allege also should continue to usurp public office. Mr. Newe es, requiring him to show cause why he, an an should continue to usurp public office. Mr. byed his clitzenship. Now his attorneys, mer, ask the city to pay their bill of \$500 for s rendered in the defence. Payment is resisted on the grounds that Mr. Newell was not sued in his official capacity, and had he been, the city attorney should have been called upon to defend him.

New-York, Boston and Chicago sent delegates to the conference here of bleyelists, who were engaged in laying out next season's programms for the League of American Wheelmen. The annual meet will occur in Buffalo, from July 2 to 6 inclusive. A thousand wheels are expected to be in the line of the parade on July 3. The departure for a wheeling tour of Canada, the Thousand Islands and the Hudson River country to New-York, will be made on Jan. 6.

Among the deaths of the week have been the City Controller Thomas R. Clinton and ex-Water Com-missioner James N. Scatcherd. The last named was a magnate of the lumber trade, and a member of the West-ern Ontario family of Scatcherds.

The chief wedding of the week was that of Miss Ella Jewett, youngest daughter of John C. Jewett, of Buffalo. to Willis H. Howes, of Lockport, which was celebrated at the Delaware Avenue Methodist Church, on Tuesday

Frank H. Goodyear, lumber dealer of this city, has ju bought for \$150,000 cash 13,000 acres of virgin hemiocand hard wood timber in Potter County, Pennsylvania. Mayor Scoville, who is an ex-officio member of the Ex

Contracts in connection with the new building of the Young Men's Association have been let as follows mason work, Charles Berrick, \$59,977; carpentry and glazing, Jacob Reimann, \$27,870; Iron work, H. C. Harrower, \$35,998; cut stone, W. D. Collingwood, \$19,773; steam heating, Iribacker & Davis, \$12,426; plumbing, Iribacker & Davis, \$4,182.

People prominent in society posed as living s at Music Hail this evening, for the benefit of the boys and Bootblacks' Home.

Will. C. Coweer produced his new drama. "Her Last Hope," at the Court-st Theatre last night, and it will run there for the rest of the week. "Called Back" is the At-traction at the Academy of Music.

## ROCHESTER.

### HORTICULTUAL SOCIETY-JUDGMENTS CON FESSED-VETERANS' SOCIETY. [BY TELEGRAPH TO THE TRIBUNE.]

ROCHESTER, Jan. 23.—The thirtieth annua meeting of the Western New York Horticultural Society will be held in the Common Council chamber in this city, beginning on January 28. The association is composed of the leading fruitgrowers, nurserymen, gardeners and farmers of the western portion of the State Delegates from sister societies in other States are ex

Irving Washington, of the reportorial staff of The Morn ing Herald, was appointed by the unanlinous vote of the Board of Education last evening to the position of prin-cipal of school No. 12. The selection of Mr. Washington's name was made from a long list of applicants and his success will be hailed with pleasure by his journalistic friends throughout the State.

Mrs. Mary Gordon's militnery and dry-goods store w closed yesterday by Deputy Sheriff Mites, by virtue of executions Issued upon confessed judgment. The names of favored creditors and, approximately, the The names of favored creditors and, approximately, the amounts of their several claims are: Vetor & Achelis, New-Pork, \$4,200. Lee, Tweedy & Co., New-York, \$3,300; William Gelshenen, New-York, \$27,000; John B. Ellison & Sons, Philadelphia, \$1,300. It is understood that after Judge Rumsey's decision setting aside Donald Gordon's assignment was handed down, several realistic of Mrs. Gordon became nervous and feared that their claims were insecure. Accordingly pressure was brought to hear to enforce the payment of several claims. Fearing that independ might be taken against her and that her stock would be attached, Mrs. Gordon concluded to confess four judgments and give her less importunate creditors an apportunity to realize the full amount of

il to be given in Powers Hail, on January 28, unde anspices of the Ladies' Charitable Aid Society of St

President Anderson, of the University, has returned

Brotherhood of Railway Conductors, took place at the Brotherhood of Railway Conductors, took place at the Brockett House last night. The diving, dancing and reception pariors were elaborately decorated. The supper was a samptious affair and the music was ex-cellent.

A soldier's aid society, composed principally of veterans, was permanently organized to-night. Its objects are to prevent veterans from becoming paupers to secure employment for the Indigent and to place worthy invalids and eripples in soldiers' homes.

# UTICA.

### RE-ELECTING OFFICERS-LECTURE-FAIL-URES-BUILDINGS.

UTICA, Jan. 23.—The Utica, Clinton and Ringhamton Railroad Company has re-elected its olofficers. Its earnings last year show an increase of \$2,200 over the year previous.

Colonel Ingersoll lectured to small audiences at Uties on Monday, and at Rome on Tuesday, on "Orthodoxy." William A. Gleason, of Sangerfield, has assigned Creditors are preferred to the amount of \$2,200.

Patrick Lennox, of Utica, has assigned. Preferred The inventory of the estate of E. F. Esmay, recently

assigned, shows assets amounting to \$14,000. Liabili-ties, \$14,500. There were 182 new buildings erected in Utica las

year, at a cost of \$880,000. Of these 140 were dwellings, fourteen were stores, and about twenty were fac-In the case of "Tom" Scott, a Pennsylvania

In the case of "rom" Scott, a Pennsylvania burglar sent to prison for eighteen years from Utica in 1875. Judge Kennedy has diamissed a writ of certiorari ob-tained by Scott's counsel on the ground that the court was illegally constituted. The decision holds that the court was legal, and so Scott will have to stay in

W. B. Taylor has won the Allen Point medal of the Utica Curling Club. The club goes to New-York next week, and will play for the Mitchel medal at Yonkers. A branch of the Indian Rights Association has been organized in this city with W. J. Bacon for president, A. D. Whittemore, secretary, and John F. Seymour, chair-nan of the Executive Committee.

The Casino Polo Club, of Utica, was "whitewashed" by the Angell Club, of Amsterdam, on Wednesday. On Tuesday it defeated the Little Falls Club.

On Wednesday night burglars blew open the safe in the post office at Sauquoit, and obtained about \$300. The young gentlemen of Utica had a large and brilliant party at the Butterfield House on Thursday evening Among the guests were Miss Lille Knevals, Miss Har riet Warner, and Mrs. Timothy Griffiths, of New-York.

# TROY.

MUNICIPAL WRANGLES-THE CASINO-MAT-RIMONIAL.

INT TELEGRAPH TO THE TRIBUNE. TROY, Jan. 23 .- The contending forces at the City Hall have temporarily ceased hostilities. Chamber-lain Hall, whom Mayor Fitzgerald has attempted to oust with another appointee, still holds office, and denies the legality of the other appointment. John F. Bridgeman, the new appointee, says that he awaits the expiration of the ten days in which the Common Council may reject him, before beginning proceedings. There has been some talk of securing a special meeting, and by a coalition of Republicans and the ex-Mayor Murphy faction of Democrats, reject Bridgeman's nomination. But the Murphy Democrats seem to think it good policy to keep their hands off. No doubt the Mayor made the nomination at this time, believing that in the struggle between the gas and electric light companies for street gas and electric light companies for street lighting, party lines would not be firmly maintained. It was rumored that the Mayor would attempt to remove City Clerk King, another Republican official, for refusing to take the oath of office from the Mayor's appointee for Chamberlain; but it is hardly believed that the Mayor will be bold enough to still further brave public opinion.

The Big Casino, the new skating rink, was opened last night. More than 4,000 persons were present. The rink will be a brilliant scene next Wednesday night, when Monroe Commandery Drill Corps, of Rochester, will give an exhibition for the benefit of the Troy Orphan

Asylum. The Monroe Corps will be the guests of the Apollo Commandery, of Troy.

W. Stone Smith, a prominent stove founder and wealth; widower, was married this week to Miss Alice B. Gossone of the most beautiful young ladies in this city. The wedding was private, but the precents were magnificent

The bonded debt of the city will be \$929,129 at the beginning of the fiscal year of 1855, an increase of \$229,129 over last year's indebtedness. The increase of interest on the bonded debt is \$2,380.

The Rev. T. A. Snively, rector of St. John's Church, ha gone on an extended Southern tour. The Circuit Court and Court of Oyer and Terminer covene Febru ry 9, when defaulting ex-Chamberla Church's case will probably be called for trial.

The Tibbits Cadets gave their second reception night. The company is prospering under its new capt ex-District-Attorney Samuel Foster. The ferry-boat is still running at Troy between solid

Business at the iron works is brightening somewhat The Bessemer Steel Works will start Monday, for how ng is not known.

KILLED BY A FALL-SOCIAL-WEDDING-CONVENTION-APPOINTMENT.

IBY TELEGRAPH TO THE TRIBUNE. SYRACUSE, Jan. 23.-Simon Dalpin, who was killed by falling out of a fourth-story window of hotel at Charleston, S. C., yesterday morning, was until last spring freight agent of the West Shore road in this city. He resigned his position to act as bookkeeper for Bangs & Gaynor, of Fayetteville, who have large Govern ment contracts in the South.

A re-union of cricketers will take place on Monday, February 9, at C. H. Milliard's in this city. This will probably be the largest gathering of past and present cricketers ever held in Syracuse. In addition to all o the local players, invitations have been sent to Oswego. Oswego Falls, Utica, Ilion and Rochester, in all of which town clubs are expected to be organized for the coming

Before the Chautauqua Literary and Scientific Circle, at

the City Hall last night, the Rev. S. R. Calthrop gave an interesting talk on the works of Herodotus. He gave short sketches of the great author's early history and discussed, at length, many of his principal works. He also showed how many of the theories of Herodotus have been proven true by the results of modern research. The local and State Committee appointed to arrange or a State Volunteer Firemen's Convention to be held in this city in August assembled at the City Hall on Tuesday

afternoon to consider plans for the success of the next annual meeting. Sixty-one fire companies will join in the procession. Mrs. E. D. Dickinson gave a 1 o'clock tea at the Globe

on Tuesday, which was largely attended by her friends.
Miss Parmenter, of Troy, assisted Mrs. Dickinson in receiving her guests.

On Wednesday evening Miss Jennie Hawley, daughter of General Hawley, and Junean Worth Peck, were mar-ried at St. James's Church. The sixteenth annual convention of the Northe

Bee-keepers' Association opened at City Hall y afternoon with nearly 100 members in attendar

The appointment by Governor Hill of Major Alexander H. Davis, of Syracuse, to act as the staff ofheer for the State of New-York on General Sheridau's staff on the occasion of the dedication of Washington's monument, meets with the approval of the people of Central New-York. They believe that Major Davis will, on that occasion, bear proudly and worthilly the escutcheon of the Imperial State. By the spreading of the rails on the Syracuse, Ontario and New York Railroad, at East Syracuse, a train of five cars was thrown down an embankment. About fifty persons were shaken up, and one man was thrown through a window. A few received sight cuts and brutses, but none of them was seriously in 100.

The Woman's Relief Corps, of Root Post, G. A. R., held their regular semi-monthly meeting yesterday afternoon. The State Convention of the Relief Corps will be held at Utten, on February 4 and 5, the days designated by the Grand Army for the holding of their convention.

# ALBANY.

IMPROVING THE WATER SYSTEM-HOTELS CROWDED-NEW EDITOR.

[BY TELEGRAPH TO THE TRIBUNE.] ALBANY, Jan. 23.-The requisition of the Water Commissioners on the Common Council to issue \$400,000 in bonds for the duplication of the pumping engine and machinery which supplies the city with water from the Hudson has stirred up the water supply question again. The argument against the impurity and nwholesomeness of the river water is advanced, and there is call for another investigation for other sources

The meeting of the Legislature, conventions of the labor unions, the National Guard Association, the State fiar, and other organizations, have crowded the hotels with strangers during the week.

"Paddy" Eyan, the pugilist, was given a reception o-day at the liquor store which he used to manage when lying in Albany. He started for Chicago this after-

Governor Hill has established the custom of receiving Albanians, who call simply to pay their respects, on Vednesday evenings at the Executive Mansion.

J. Cooney, formerly with The New-York Herald, has become editor-in-chief of The Argus. Edwin Thorne and "The Black Flag" have held the boards at the Leland Opera House for the week.

# CONDITION OF BUSINESS.

RUMORS AFFECTING A BANK. A FRIGHT AMONG DEPOSITORS IN NEW-HAVEN. [BY TELEGRAPH TO THE TRIBUNE.]

New-Haven, Jan 23 .- Considerable excitement was occasioned on the street to-day by the report that the New-Haven Savings Bank in Orange-st. was on the verge of bankruptcy. It resulted in a mild run on the bank this afternoon, and to-morrow a rush is expected. The report came from unfounded rumors of various sorts, one of which was that Assistant Treasure. Pardee had been gambling in Wall Street with the bank's funds. The bank officials strennously denied all inurious reports, but did not attempt to explain the matpurious reports, but do not attempt to expain the mat-ter to the excited depositors, beyond telling them that they could have their money, interest and principal, as fast as it could be paid out to them. The bank is the third largest savings bank in the State and the oldest in the city. The market value of its assets is \$6,062, 603 28; due on deposits, \$5,637,979 28; profit and loss, \$6,053 28; surplus, \$210,000; total liabilities, \$5,693, 970 28.

\$6.053 28; surplus, \$210,000; total Habilities, \$5,603,970 28.

All the leading business men of the city consider the bank the most solid in this part of the State. ExGovernor Bigelow has offered to tend the bank \$50,000 to meet the run. Others have offered loans. The bank's securities are good, large amounts being in United states 44s. New-York Central 7 per cent bonds, Shore Line Ratiway 44p per cents, and other squally good properties. George Wykes, Jr., of W. T. Hatch & Son's branch office here, says the securities are the finest owned by any bank in the State. It is sincerey hoped a panic will not take place among the depositors tomorrow, but if it does the bank is prepared to meet all demands and can pay out at the rate of \$300,000 a day. Cashier Kichardson says he will keep the doors open as long as any one appears for his money.

# RESULT OF OLIVER BROTHERS' FAILURE.

IBY TRUBGRAPH TO THE TRIBUNE. PITTSBURG, Jan. 23 .- Scutt & Company, he barbed wire fence manufacturers, will discharge bout one hundred and fifty of their employes. The ompany, in which Oliver Brothers & Phillips are interested, has concluded no longer to pay royalty on the Washington patents, which has heretofore entitled them to manufacture all the patents of wire fence of which Washburn & Company, of Boston, are the patentees. They will make what is known as two-pointed barbed and ribbon fence wire, which they have the sole right to manufacture. The manufacture of this wire will only tax the capacity of a small portion of the works.

# HUNGARIAN LABORERS DISGUSTED.

(BY TELEGRAPH TO THE TRIBUNE.] Easton, Jan. 20 .- One of the afternoon trains to New York to day contained about sixty Hungarians. It was learned that they were bound for their fatherland, having become tired of this country, because they were abused by natives and because the coal breakers where they worked were closing and they could earn nothing.

### CAR WORKS TO BE REOPENED. IBY TELEGRAPH TO THE TRIBUNE.

SCHENECTADY, Jan. 23 .- The Jones car works of this city, which went into the hands of a reeiver about a year ago, were leased to-day to Walker A Jones, who will reopen the works on Monday with a force of 100 men. The lessee has received a large order from the Wagner Car Company for drawing-room ears.

# HAZING AT ANNAPOLIS.

Secretary Chandler, in his recent report to the House of Representatives in regard to the death of Cadet Strang at Annapolis, speaks of P. W. Moeller, whose son was dismissed from the Naval Academy, as a malicious conspirator " and as " procuring by "malicious conspirator" and as "procuring by deception the utterance of charges against public officials and institutions." Mr. Moeller has written a sharp reply to the Secretary of the Navy. He charges the Secretary with suppressing the part of his letter of October 27, 1884, in which the cause of his attacks on the management of the Naval Academy and the superintendent is contained. He also charges that his son was unjustly dismissed, and quotes from Chief Justice McAdam, of the City Court of New-York, to ensatah his position. Mr. Moeller continues: "When you say in your report to the House of Representatives that thirteen cadets have been dismissed for hazing during the past two years, you admit that thirteen cadets have been mailreated by hazers. This shows plainly that utter disregard is shown to the welfare of the newcomers. . . To accomplish so desirable an end as the suppression of hazing and the protection of the cadets, it will be necessary to adopt very different tactics from those of Captain Ramaay."

# WORTH LESS THAN NOTHING

Part I. of the Supreme Court, presided over

AN UNPROFITABLE MINING ENTERPRISE

MR. BUTLER SUING TO RECOVER HIS LOSSES . NINE LAWYERS IN COURT.

by Justice Van Brunt, was taken possession of yesterday by nine lawyers, who have entered upon the trial of a or him have promises to last for some weeks. This is an action brought by Frank T. Butler, for himself and the assignee of the claims of eleven other stockholders of the Excelsior Water and Mining Company, a California corporation, against Richard P. Lounsbery, Ben All, and James B. Haggin and Wells, Pargo & Co. Francis E. Bangs and Lucien and Clarence F. Birdseye appear for Mr. Butler; Joseph H. Choate for the firm of Lounders Carter, ex-Judge Ashbel Green, ex-Recorder Smith and William C. Guillver for the individual members of the Wifham C. Gulliver for the individual memoria of the firm, while Hamilton Cole, represents Wells, Pargo & Co. 1 Mr. Butler says in his complaint that James B. Hassin, of California, was and is generally reputed to be [and so stated by the defendants] "a man of great wealth, so stated by the derendants; and connected, with mining operations, and a man of great skill, ability and integrity." He is the father of Ben All Haggin and the father-in-law of Mr. Lounsbery. Mr. Butler charges that the elder Haggin was and is the vice-president and a director of Wells, Fargo & Co., a Colorado corporation authorized to buy and sell gold and silver bullion, etc., and to deal in mining stocks. This last business the company carried on in this city, under the management of its assistant secretary, H. P. Parsons. The Excelsion Water and Mining Company, the complaint sets forth,

was incorporated on March 9, 1877, with its headquar-ters in San Francisco. Its capital stock was \$5,000,000 -50,000 \$100 shares. The number of shares then issued was 36,464 and the total was to be 43,326. In 1879, Butler asserts, the defendants fraudulently conspired, with certain directors, stockholders, officers and employes of the Excelsior Company, to ob.ain control of its capital stock and then increase it by disposing of it at a price beyond its real value and subsequently so to depress the market price as to enable them again to secure possession of the stock, thereby defrauding the purchasers. In April, 1879, in pursuance of this conspiracy, the defendants and their co-conspirators purchased the principal part of the stock and secured control of the company by obtaining options and calls. Then they proceeded to manage the affairs of the corporation "for their own purposes of intended fraud." On May 15, 1879, the capital was increased from \$5,000,000 to \$10,000,000 and each share of the old stock was turned in by the bolders and two of the new were issued. Some \$6,000 shares of the new issue were thus disposed of, and the remaining 13,348 were divided pro rata among the stockholders. No money was handed in for the new shares, but the defendant represented that the stock had been fully paid. its capital stock and then increase it by disposing of it at

13.318 were divided pro rata among the stockholders. No money was handed in for the new shares, but the defendant represented that the stock had been fully paid.

The next move, Mr. Butler says, was to put this new stock on the New-York market, and this was done through Lounsbery & Haggin and wells, Fargo & Co. Lounsbery & Haggin appeared as the authorized agents of the Excelsior Company, and said they had stock for private sale, but that the books would be opened for public subscriptions at the office of Wells, Fargo & Co., alleging that the Colorado corporation had floated other mining stock successfully. The books were accordingly opened, and Wells, Fargo & Co., alleging that they would have nothing to do with a mining company unless it were safe and well managed, and agring that Excelsior stock would be "a splendid thing to mole," sold the whole or argae amount of the stock, and Wells, Fargo & Co., and Lounsbery & Hargin transferred large quantities of the stock and loaned large sums of money in order to obtain purchasers. These firms represented that the stock was intrinsically valuable, that about all of it had been sold, that no more would be put on the market unless at a high price and that Wells, Fargo & Co. realized large profit thereby. Mr. Butler charges that the defendants islaely preleded that the Excelsiar mites had aiready yielded more than \$5,000,000 and would produce at a low estimate \$100,550 a year, the profits, after deducting \$200,000 for expenses, to be \$440,550; that the funded debt was only \$250,000 at 10 per cent interest, to be paid in histalments of \$500,000 on a very. The increase of the capital stock was concealed from Mr. Butler, he avers; dividends of \$101,602 were deciared, not from net earbings, but from the proceeding was borrowing money and overdrawing the company's water and merchandise rents would be at loast \$100,000 a year. The increase of the capital stock was concealed from Mr. Butler, he avers; dividends of \$101,000 a year. The increase of the capital stock was conceal

monthly, and subsequently, instead, notes for \$225,000 and \$55,000 at 7 per cent. Mr. Haggin, Mr. Butler asserts, finally gave the company a general release for \$10,000. Mr. Butler now lays claim to \$76,194 07, for himself and as asignee, on his investments and assessments. He says that the stock is worth 2½ per cent loss than nothing and that the money he has paid in has been absorbed by the defendants. Only the mine itself is left. It is situated a few miles northeast of Sacramenta in smartaville, two and one half miles from the city of Marysville. It can be worked only by hydraulic power, and the company has been enjoined by the city from the use of this means, as the water has formed a ravine 1,500 feet wide, 800 feet high, and two miles long, leading to

feet wite, 800 feet bigh, and two miles long, leading to Marysville, and thereby the gravel from the mine has been cast unpon the plain wheren the city is situated, to been cast unjust the transfer of the charges of fraud and conspiracy, say that they have acted in good faith and that the venture has proved a failure in spite of their best endeavor. The company, in July, 1879, they say, was "presperous according to the report made by mining

TROUBLE IN THE MARIE-GARRISON CASE. The Marié-Garrison case pursued the uneven tenor of its course yesterday before Referee Dwight, in the Benedict Building. The morning session was devoted to taking the testimony of Francis A. Fogg, which some facctions person characterized as very foggy in-deed. The counsel for the plaintiff evidently concurred in this opinion for when the testimony was all In Mr. Conkling moved that it be stricken out as being immaterial. This motion naturally caused great indignation among the lawyers on the other side. The referee reserved his decision. In the afternoon an attempt reserved his decision. In the afternoon an attempt was made to examine Robert L. Cutting, jr. Mr. Cutting, however, evidently become a convert to agnosticism, for to Mr. Day's questions he persisted in answering "I don't know," or "I don't remember," in a tone which showed plainly that he considered Mr. Day's examination as act of impertinence. The examination was finally given up, because Mr. Cutting was unable to produce a paper which the counsel for the defence considered essential to the case. The paper had been produced before, but Mr. Putney said that he had never seen if.

seen it.
"You have seen it, sir," exclaimed Mr. Cutting, "I gave it to you myself and you spent half an hour looking

gave it to you myself and you, spent half an hour looking it over."

Mr. Putney vonchsafed no answer to this contradiction, and A. B. Calef was sworn in as the next witness. Some questions were put to him by the defence about a book which he had in his possession, and on which were recorded transfers of stock of the Missouri Pacifier read. Mr. Conkling got possession of the book and began looking it over. Thereupon a scene of great confusion followed. Mr. Day demanded that the book be returned. Mr. Putney objected whenever anybody except himself began to speak. Motions were made at random. Mr. Conkling insisted that he had the floor, overybody elements in the hadn't, and when order was at last restored nobody knew just what the point under consideration was. The rest of the session was consumed in debuting the admissability of the transfer book as evidence, and at 4:15 o'clock an adjournment was taken until to-day at 11 a. m.

LANDS TO BE TAKEN FOR NEW PARKS.

Arguments were made yesterday by Franklin Bartlett, representing the Corporation Counsel, be-fore the General Term of the Supreme Court, in favor of fore the General Term of the Supreme Court, in favor of an order compelling the commissioners appointed to appraise the land to be taken for the new parks, to consider first the parks situated in the more thickly settled parts of the city before dealing with those more remote from the Harlem River or in Westchester County. This action was urged on the ground that the lands in the more thickly settled district would increase in value more rapidly than the others. Luther R. Marsh opposed the motion, declaring that the commissioners intended to appraise all the lands at the same time. Decision was reserved.

# COURT OF APPEALS.

ALBANY, Jan. 23 .- In the Court of Appeals to-day, Hon. William C. Ruger, C. J., and associates per to-day, Holl. Windin C. Sterley, Market, L. Sterley, Holl. Windin C. Sterley, Hollowing business was transacted:

No. 32—Louise De Freesh, respondent, agt. Samuel. S Wasner and others, administrator, appellant. Argued.

No. 29—Wilfy Wallach and another, executors, respondents art. the Commercial Insurance Company, appellant. Argued.

No. 29—Mary A Bries, administratirty, respondent, act. the Bochester, New-York and Peunsylvania Raliroad Company. The following is the day calendar for Monday, January

Nos. 34, 36, 30, 39, 40, 35, 42, 44.

FRAGMENTS OF LEGAL NEWS. Mary E. Thomas, fourteen years old, was al-

Mary E. Thomas, fourteen years old, was a lowed by her parents, in Pebruary last, to become a companion to Mrs. Mary E. Watson and remain with her and her husband for four years. The girl's father now such the Watsons for \$10,000, alleging cruel treatment of his daughter. Judge ingraham yesterday appointed James Thomas, the father, a guradian for bringing the action. A. S. Sullivan was appointed yesterday by Judge Ingraham referee in the suit. of Atteroury & Tillinghas, stock brokers, to recover \$18,581.31 as balance on account with James R. Keone. Mr. Koene alleges that the